

REMARKS

In response to the Restriction Requirement, Applicant herein elects Group III (claims 56, 61-63, 66-67, 81, and 93-97) with traverse. Applicant respectfully notes that independent claim 103 recites similar limitations as those in the independent claim 56 (i.e., claim 103 is a system claim that corresponds with the method claim 56). Thus, claim 103, and its dependent claims 104-108, should be examined together with Group III.

Also, Applicant respectfully submits that independent claim 75 in Group IV recites limitations that are similar to those in dependent claim 93 (in the elected Group III). In particular, claim 75 recites inter alia: acquiring image data, sorting the image data based on a portion of a cycle of a breathing motion, and storing the sorted image data. Claim 93 (in combination with its base claim 56) recites inter alia: acquiring image data, bin the image data (which is one way of sorting the image data) that involves using the phase value of the breathing cycle, and storing the binned image data. Thus, independent method claim 75 (and its dependent claims 82 and 98-100), and its corresponding system claim 109 (and its dependent claims 110-112), should be examined with Group III.

For at least the foregoing reasons, claims 56, 61-63, 66-67, 75, 81, 82, 93-100, 103-112 should be examined together.

Furthermore, Applicant respectfully notes that claims 1-29 and 83-91 in Group I have already been examined together with the claims in Group IV, and therefore should be examined together with the above identified claims. In particular, Applicant respectfully notes that independent claim 75 (in Group IV) was not amended in the previous response. Also, the amendment to independent claim 1 (in Group I) was merely to recite an inherent feature (i.e.,

radiation) that was already in its dependent claim 2 (which recites computed tomography procedure or a PET procedure, both of which involve use of “radiation”). Since both claims 1 and 75 were already examined, and all of the features recited in these claims have already been considered and searched for, Applicant respectfully submits that it is improper, untimely, and unfair to have a restriction imposed on these two claims. For at least the foregoing reasons, Applicant requests that claims 1-29, 50-52 (Applicant believes that claims 50-52 should also be in Group I since they depend from claim 1), and 83-91 in Group I be examined together with claims 56, 61-63, 66-67, 75, 81, 82, 93-100, 103-112 identified above.

Accordingly, non-elected claims 30-32, 53-55, and 92 have been canceled without prejudice to pursue them in related application(s).

**CONCLUSION**

If the Examiner has any questions or comments, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number **VM 03-035-US**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number **VM 03-035-US**.

Respectfully submitted,

DATE: April 12, 2010

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